

EXHIBIT 98

Message

From: Marilyn Marks [Marilyn Marks]
on behalf of marilyn marks [marilyn marks]
Sent: 6/12/2020 10:30:24 PM
To: Barron, Richard L.
Subject: More on Athens

From: <jdufort@aol.com>
Date: Friday, June 12, 2020 at 5:18 PM
To: Marilyn Marks <Marilyn@USCGG.org>, Aileen Nakamura <aileen@abney.us>, L Throop <lthroop@hotmail.com>, Joy Wasson <bjoywasson@gmail.com>
Subject: Fwd: Thoughts from a Vote Review Panelist

----- Forwarded message -----
From: Adam Shirley <adam.c.shirley@gmail.com>
Date: Jun 12, 2020 4:53 PM
Subject: Fwd: Thoughts from a Vote Review Panelist
To: Jdufort <jdufort@aol.com>
Cc:

----- Forwarded message -----
From: Adam Shirley <adam.c.shirley@gmail.com <mailto:adam.c.shirley@gmail.com> >
Date: Fri, Jun 12, 2020, 7:55 AM
Subject: Thoughts from a Vote Review Panelist
To: Charlotte Sosebee <charlotte.sosebee@accgov.com <mailto:charlotte.sosebee@accgov.com> >, Evans Jesse Accboe <evans.jesse.accboe@gmail.com <mailto:evans.jesse.accboe@gmail.com> >, Knapperqcq <knapperqcq@msn.com <mailto:knapperqcq@msn.com> >, Patricia Till <patricia.till@accgov.com <mailto:patricia.till@accgov.com> >, Willa Fambrough <icook_ieforyou@bellsouth.net <mailto:icook_ieforyou@bellsouth.net> >, Rocky Raffle <rockyraffle@gmail.com <mailto:rockyraffle@gmail.com> >

Ms. Sosebee and Members of the Board,

Good evening! First of all, thank you very much for all your hard work to make this election so successful. From my first visit Monday afternoon, I saw all hands on deck and everyone working as hard as they could. I saw every board member working, and every elections worker was dedicated and steady under pressure. That level of commitment showed me how deeply committed everybody was to getting the job done as perfectly as possible -- a commitment that reflects passionate leadership from you all. Thank you!

I would like to share with you my reflections on the experience. I readily acknowledge that most of what I will criticize probably has a very logical explanation and reflects best practices that are obvious to those with election expertise. Also, I trust that you will take my suggestions as the respectful constructive criticism they are.

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1. Everybody I interacted with, from young-looking workers to the Director and Board members, was welcoming and professional. This made it very easy to work with all who were present.

2. The large publicly-accessible room was set up in a way that made sure all absentee ballots were always in view, whether on a table in the room or visible remotely from the office as they awaited scanning.
3. The opening of absentee ballots was designed and executed in a way that reassured all observers that the secrecy of our mail-in vote was protected.
4. We workers were generously provided supper and snacks throughout the night.
5. Tasks were well communicated to election workers: until the final absentee ballot was opened and sorted for scanning, I observed no election workers slouching.

Grows

6. Some incorrect marks by voters were not detected by the scanning software. On several occasions, we as panelists unanimously agreed that the voter intended to select a candidate in a contest -- only to find the software had not recorded that intent as a vote. What's truly disturbing is that the software did not flag these instances for adjudication. We only noticed them by sheer luck as we were adjudicating other, flagged contests on ballots.

This means it's not just possible but probable that a ballot whose voter had clearly but not completely marked their vote would not have its votes counted by the software.

We adjudicated something like 300 ballots. I estimate that around 100 of them were flagged because the voter had used incorrect marks -- checks, dots, X's -- to indicate their votes, and the software flagged some (but not all) of those marks for adjudication.

How many such votes were processed, not counted, and not flagged by the software for manual review?

7. Not enough absentee ballots were processed ahead of Tuesday. When I reported for Vote Review Panel duty on Monday morning, I learned that something like 4,000 absentee ballots had already been received; Garrett and two other workers were busily working through them. I could be mistaken, but I do not recall seeing any large-scale scanning of ballots taking place between 11am and 5pm Monday.

Was this our failure to anticipate the sheer quantity of absentee ballots? If so, this seems unacceptable, given that 18,000 absentee ballots had been requested.

Was this operator error on our part when scanning the ballots? If so, how can we improve training?

Was this mechanical error on the part of the scanners? If so, have we made our displeasure and dissatisfaction known to Dominion and the Secretary of State?

Was this design error on the part of the Secretary of State's office and the third-party ballot printers? It seemed that the jagged perforated edges caused problems, both with alignment and with debris clogging the machines. I hope we have checked with other counties and made a loud and clear request that future ballots are a complete, non-torn sheet.

8. Not enough absentee ballots were being processed Tuesday. When I reported at 3:15 Tuesday afternoon, it appeared that precious few ballots had been scanned all day.

I have similar questions as above. In addition, this clearly overwhelmed our one scanner issued by the state. Were it not for Director Sosebee's having secured a second scanner, we might all still be there scanning and adjudicating now. I hope we, along with other counties, have voiced our concern about the woefully inadequate supply of absentee ballot scanners.

9. There were not enough election workers processing absentee ballots. I understand I only saw half of the operation, with the rest of our elections staff conducting what'd been widely reported as swift and efficient in-person voting. However, when something like 2/3 of our votes were absentee, more workers should have been assigned to processing absentee ballots. This and the scanner logjam seem to be what caused the night to go on so long. By 10 on Wednesday morning when our voters needed five alert minds and five sharp sets of eyes for discerning the true intent of voters, those five people had been awake for over 24 hours, and had reported for duty 17 hours earlier -- and the courteous and helpful staff had been on the job for 29 consecutive hours. These conditions make productivity, much less discernment and judgment, suffer.

Was this due to short-staffing due to covid-19? If so, why did we not bring in the staff who were available at the very beginning of the window created by the State Election Board permitting us to process absentee votes early?

Was this due to a larger problem of understaffing? If so, have we asked ACCUG to pay our workers more? If so, what has been their response? What do we currently pay our election workers?

10. Insufficient precautions were taken to protect public health. At least one staff member was uncomfortable with the Vote Review Panel members adjudicating ballots while two people scanned ballots. This was a valid concern, given that 8 people -- only 2 of whom were wearing masks -- would have been squeezed into an office that couldn't be more than 200 square feet.

I understand the need for reliable, secure, and expedient tabulating of the vote must be balanced with the need for protecting public health. I suggest that we could have set up the space to better accomplish the latter while still accomplishing the former.

11. Duties and expectations were poorly communicated to the Vote Review Panel. I received one email from staff last Monday (6/1) -- and no further communication from the office until I called this Monday morning (6/8). I was calling because the email I had received did not include a reporting time.

I can easily imagine that it slipped staff's mind because they were inundated with processing the surge of absentee ballots while simultaneously working out the logistics of the first election day with a brand-new voting system. However, had I not called the office, I worry that I might have continued to have been forgotten.

Poor communication resulted in our losing one of the Vote Review Panel members. They had not been informed that we would be needed for 23 consecutive hours, and had to leave around 3:00 on Wednesday morning for a doctor's appointment they could not miss.

12. Voters did not receive an envelope, as was indicated by the instructions. This led to confusion, to voters using various methods to seal their ballot within this slip of paper, and to workers spending precious time breaking those seals and sometimes needing to duplicate the ballot due to tape or staples interfering with the scanner.

I am quite certain you are already well aware of this. I hope we have joined other counties in loudly complaining about this error on the part of the Secretary of State and the printing company.

13. Duplicate ballots were stored in a separate facility from the processing of ballots. On Monday, a staff member left the processing facility to go to the downtown office for the sole purpose of picking up a duplicate ballot. Is there a legal requirement that these ballots remain at the address of record for

our board of elections, or perhaps under the direct supervision of our elections director? If not, perhaps some or all of our blank ballots should be stored at the facility where ballots are being processed.

I am eager to learn your thoughts on these suggestions. I would be happy to meet with you (distanced in person or virtually) to discuss them further. #6 is especially disconcerting to me.

Again, thank you for your hard work. I did not doubt the passion and dedication of our elections workers before Monday, but I left Wednesday afternoon with a newfound appreciation for just how hard you all work to make sure every vote is counted.

Adam

